

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
§
v. § CRIMINAL NO. H-03-0230-02
§
FRANK NWABARDI, § (Civil Action No. H-06-3701)
§

ORDER FOR A RESPONSE

Pending before the Court is a motion filed by the defendant, Frank Nwabardi, to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. After conducting a preliminary review of the motion, the Court concludes that an answer is needed. Accordingly, pursuant to 28 U.S.C. § 2255 and the Rules Governing Section 2255 Proceedings, the Court

ORDERS as follows:

1. The Clerk shall serve a copy of the motion and supporting memorandum (Crim. Docs. # 508, # 509) and this order upon the United States Attorney for the Southern District of Texas, Attention: Jim Turner, Assistant U.S. Attorney, P.O. Box 61129, Houston, Texas 77208-1129, by certified mail, return receipt requested.
2. The government is directed to file an answer or other appropriate pleading in response to the defendant's § 2255 motion on or before **February 2, 2007**, and shall forward a copy of same to the defendant by certified mail, return receipt requested.
3. The defendant shall file any reply to the government's answer within **thirty (30) days** of the date reflected on the certificate of service. If the defendant fails to comply on time, the Court may dismiss this case for want of prosecution pursuant to Rule 41(b) of

the Federal Rules of Civil Procedure.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, on December 1st, 2006.



Nancy F. Atlas
United States District Judge